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December 16, 2022

**VIA ECF FILING**

The Hon. Lorna G. Schofield  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 1106  
New York, NY 10007

**Re: *Associated Industries Insurance Company, Inc. v. Wachtel Missry LLP, et al.***  
**(Case No. 21 CIV 3624 (LGS))**

Dear Judge Schofield:

This firm represents Plaintiff, Associated Industries Insurance Company, Inc. (“Associated”), in the above-referenced matter. In accordance with the Court’s Order dated November 21, 2022 [dkt. 90], we write on behalf of Associated, as well as Defendants Wachtel Missry LLP (the “Firm”), and Howard Kleinhendler (“Kleinhendler”) (collectively, the “Parties”), to provide the following joint status report regarding the parties settlement discussions and apprising the Court of any remaining issues in need of judicial resolution.

**1. Wachtel Missry LLP**

Associated and the Firm have reached a settlement and have memorialized their settlement in a written agreement with an effective date of December 13, 2022. Upon the Firm’s receipt of the payment required under the agreement, Associated and the Firm will file a joint stipulation of dismissal, with prejudice, as to all claims between them. While the settlement payment is not due until January 12, 2022, they hope to file their stipulation of dismissal before the end of the year.

**2. Howard Kleinhendler**

Regrettably, Associated and Kleinhendler have been unable to come to a mutually agreeable resolution of this matter and their negotiations have reached an impasse. Accordingly, Associated and Kleinhendler jointly request that the Court request proceed with adjudication of their pending cross-motions for summary judgment on Kleinhendler’s affirmative defenses.

Respectfully submitted,

April H. Gassler

Counsel for Plaintiff

Associated Industries Insurance Co., Inc.

cc: All Counsel of Record (via CM/ECF)